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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,107	06/25/2003	Chunseng Guo	871.0111.U1(US	3629

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HARRINGTON & SMITH, LLP
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EXAMINER

BUI, BING Q

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,107

Applicant(s)

GUO ET AL.

Examiner

Bing Q Bui

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/02/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-23 are pending in the application for examination, wherein claims 1 and 13 being independent.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally ***limited to a single paragraph*** on a separate sheet within the range of 50 to 150 words.

Correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 4-5, 9-14, 16-17 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Brennan et al (US Pat No. 5,329,578), herein after referred as Brennan.

Regarding claim 1, Brennan teaches a telephone system for connecting callers and users, comprising:

user-specifiable means for defining at least one filter for filtering incoming calls and taking user-definable responses on incoming calls that satisfy the requirements of said at least one filter (see Figs 3a-3e; and col. 13, Ins 4-56 in combination with Tables 1-5), in which:

the user specifies a profile (see Figs 3a-3e; and col. 13, Ins 4-56 in combination with Tables 1-5);

the user has the option of modifying parameters of the specified profile, including specifying at least one filter in the profile and specifying user-specifiable parameters thereof (see Figs 3a-3e; and col. 13, Ins 4-56 in combination with Tables 1-5);

the system includes means for guiding the user through a setup sequence (see Figs 3a-3e; and col. 13, Ins 4-56 in combination with Tables 1-5); and

the telephone system includes means for applying the user-specified profiles (see Figs 3a-3e; and col. 13, Ins 4-56 in combination with Tables 1-5).

Regarding claim 2, Brennan teaches the telephone system for connecting callers and users according to claim 1, in which at least one profile depends on the status of the user, selected by the user from a list of at least two profiles, with a set of responses correlated with the status specified in the selected profile (see Figs 3a-3e; and col. 13, Ins 4-56 in combination with Tables 1-5).

Regarding claim 4, Brennan teaches the telephone system for connecting callers and users according to at least one profile has at least two responses that are activated according to the time of day (see Figs 3a-3e; and col. 13, Ins 4-56 in combination with Tables 1-5).

Regarding claim 5, Brennan teaches the telephone system for connecting callers and users according to claim 4, in which at least two responses that are activated according to the time of day depend on the user's normal working hours and the user's normal sleeping hours (see Figs 3a-3e; and col. 13, lns 4-56 in combination with Tables 1-5).

Regarding claim 9, Brennan teaches the telephone system for connecting callers and users according to claim 1, in which at least two filters apply a different response to an incoming call of the same category (see Figs 3a-3e; and col. 13, lns 4-56 in combination with Tables 1-5).

Regarding claim 10, Brennan teaches the telephone system for connecting callers and users according to claim 1, in which the system identifies the location of the user (see Figs 3a-3e; and col. 13, lns 4-56 in combination with Tables 1-5).

Regarding claim 11, Brennan teaches the telephone system for connecting callers and users according to claim 1, in which calls that satisfy a specified criterion pass through the filter even if they do not satisfy another criterion of the filter (see Figs 3a-3e; and col. 13, lns 4-56 in combination with Tables 1-5).

Regarding claim 12, Brennan teaches the telephone system for connecting callers and users according to claim 1, in which the user specifies a set of at least one response to at least one filter (see Figs 3a-3e; and col. 13, lns 4-56 in combination with Tables 1-5).

As to claims 13-14, 16-17 and 21-23, they are rejected for the same reasons set forth to rejecting claims 1-2, 4-5 and 9-12, respectively.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 3, 6-8, 15 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan '578 in view of Shaffer et al (US Pat No. 6,600,817), herein after referred as Shaffer.

Brennan fails to teach the limitations of claims 3, 6-8, 15 and 18-20. However, Shaffer teaches the recited limitations substantially as claimed, a method and system that provide time dependent screening against a target user profile of communication connections to a target communication terminal when a call is initiated within the same time zone or in a different time zone as the target communication terminal, so that the incoming call will not automatically be connected to the target communication terminal

Art Unit: 2642

(see col. 1, Ins 15-29 and col. 4, ln 24-col. 3, ln 54). Therefore, integrating Shaffer's teachings into communication system of Brennan would have been obvious for preventing a call from a caller who may unknowingly place the call to a target user at an odd or undesirable time with respect to the target user.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art in general:

U.S. Pat. No. 4,611,094

U.S. Pat. No. 5,199,062

U.S. Pat. No. 5,467,388

U.S. Pat. No. 5,734,709

U.S. Pat. No. 5,802,160

U.S. Pat. No. 6,021,190

U.S. Pat. No. 6,249,815

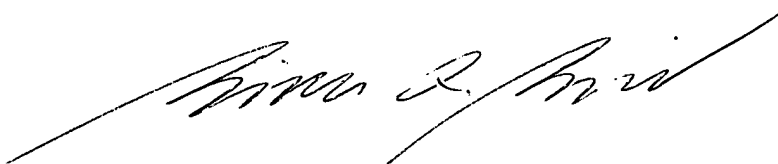
U.S. Pat. No. 6,831,970

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (571) 272-7482. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 and for formal communications intended for entry (please label the response ☐EXPEDITED PROCEDURE☐) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

02 Apr 2005

A handwritten signature in black ink, appearing to read 'Bing Q. Bui', with a long, sweeping horizontal line extending to the right.

BING Q. BUI
PRIMARY EXAMINER